HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.21769 OF 2000

Between:

Gunda Veeresham

. . .Petitioner

AND

Union of India and another

. . .Respondents

Counsel for the petitioner : Shri J.Ashwini Kumar
for Shri Y.Rama Rao

Counsel for the respondent No.1 : Shri A.Rajashekar Reddy,
Assistant Solicitor General

Counsel for the respondent No.2 : Government Pleader for
Revenue

Dated: 8th August, 2006

: ORDER :

This is a petition for issue of a mandamus to the Government of India to decide the petitioner's claim for grant of pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 scheme').

The petitioner's claim for pension is founded on the following assertions:

(i) that he had fought again Nizam Government;

(ii) that he held public meetings; hoisted congress flag, fell toddy trees in different villages; attacked police stations under the leadership of late Shri KV.Narsinga Rao, Camp in-charge of Chanda Border Camp;

(iii) that as a result of the above activities, order for his detention was issued under Section 25 of Hyderabad Security Act;

(iv) that on he coming to know about the arrest warrant, he went underground and remained underground for a period of six months;

(v) that after coming into force of the 1980 scheme, he made an application for grant of pension by being treated as freedom fighter; and

(vi) that even though his claim was forwarded by the State Government to the Government of India vide its letter dated 19.02.1990, but the same has not been decided so far.

In the counter-affidavit filed by Shri S.D.Kaushik, Under Secretary to the Government of India, Ministry of Home Affairs it has been averred that for the purpose of scrutiny of the claims made for grant of freedom fighters pension by those who had participated in Hyderabad Liberation Movement, the Central Government constituted a Screening Committee under the Chairmanship of Shri Govind Bhai Shroff. In June, 1985, it was decided to treat the sufferings in border camps at par with the underground sufferings as defined in the 1980 scheme. The Committee headed by Shri Govind Bhai Shroff made an extensive tour of the regions comprising the erstwhile State of Hyderabad. The Committee met the concerned officers, prominent workers of Hyderabad Liberation Movement and others and prepared list of 98 camps along with the names of camp-in-charges. Of an estimated 11,000 applications, the committee recommended about 7,000 cases and pension was sanctioned to them. In December 1996, the Committee was reconstituted under the Chairmanship of
Shri N.Giri Prasad, Member of Parliament (Rajya Sabha). After four months, the Committee was reconstituted on account of demise of Shri N.Giri Prasad. This time, Shri Ch.Rajeshwar Rao, MLA, Andhra pradesh was made as Chairman. The Committee headed by Shri Rajeswar Rao recommended about 13,500 cases for grant of pension. Looking to the large number of cases recommended by the last mentioned committee, the Central Government decided to get the genuineness of the documents verified from the State Government. After receipt of verification reports, about 3,500 cases have been accepted for grant of pension. According to Shri Kaushik, Rajeshwar Rao Committee continued to make recommendations even after expiry of its tenure. Some of these recommendations are in the form of slips, which do not contain the particulars of the freedom fighters. Number of slips are totally blank. Still, further, it has been averred that on receipt

of large scale complaints against the recommendations of Rajeshwar Rao Committee, the Government of Andhra Pradesh ordered a vigilance enquiry in the matter and further action on the applications made for grant of pension by those who are said to have participated in the Hyderabad Liberation Movement has been kept in abeyance. In regard to the petitioner's claim, Shri S.D.Kaushik has averred that his name has not been recommended by the committees constituted by the Central Government.

I have heard learned counsel for the parties and perused the record.

The petitioner's claim for grant of pension under the 1980 scheme by being treated as freedom fighter, who had participated in Hyderabad Liberation Movement is entirely founded on the detention order allegedly issued by the Inspector General of Police and the certificate allegedly issued by in-charge of Border Camp, Karimnagar. Therefore, after going through the contents of letter dated 19.02.1990 by which Secretary to Government of Andhra Pradesh, Revenue department is said to have forwarded the petitioner's claim to Deputy Secretary to Government of India, Ministry of Home Affairs, I asked the learned counsel for the petitioner to show the detention order and the certificate issued by in-charge of the Border Camp, but he could neither produce those documents nor he could disclose the dates on which detention order was issued by the Inspector General of Police and certificate was allegedly issued by Shri K.V.Narsinga Rao.

In view of the above, it must be held that the petitioner has failed to produce the documents, which constitute the basis of his claim for grant of pension by being treated as a freedom fighter. The petitioner's silence for a period of six years after forwarding of his claim by the Government of Andhra Pradesh to the Government of India also militates against the bona fides of his claim.

For the reasons mentioned above, the writ petition is dismissed.

G.S.SINGHVI, CJ

Date: 08.08.2006

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